

IN THE
SUPREME COURT OF MISSOURI

STATE OF MISSOURI, ex rel.,)	
JEREMIAH W. NIXON, Attorney)	
General,)	
)	
Relator,)	
)	
v.)	No. 086013
)	
HONORABLE MATT BLUNT,)	
Secretary of State for the State)	
of Missouri,)	
)	
Respondent.)	

Affidavit

STATE OF MISSOURI)
)SS
COUNTY OF COLE)

On May 28, 2004, personally appeared John P. Clubb, who is personally known to me, and upon his oath stated as follows:

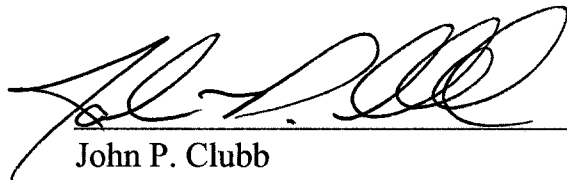
1. My name is John P. Clubb and I am an Assistant Attorney General of the State of Missouri. I am over the age of eighteen years and I am fully competent to make this affidavit.

2. On May 28, 2004, at 4:05p.m., I personally observed Nicki Russell, Tax Rate Analyst for the State Auditor's Office, deliver the following to the Office of the Secretary of State: (1) a letter from Missouri State Auditor Claire McCaskill to the Secretary of State Matt Blunt indicating that the Auditor had received approval as to the legal content and form of the fiscal note summary of Senate Joint Resolution ("SJR") 29;

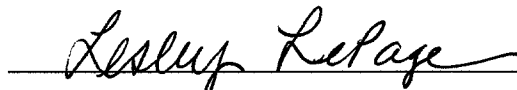
(2) a letter from the Jeremiah W. Nixon, Attorney General of the State of Missouri, to the Auditor approving the legal content and form of the fiscal note summary for SJR 29, attaching a letter from the Auditor to the Attorney General containing the fiscal note summary for SJR 29; (3) a fiscal note and a fiscal note summary for SJR 29; (4) a letter from Secretary of State Matt Blunt to the State Auditor referring SJR 29 for the purposes of preparing a fiscal note and fiscal note summary; and (5) a copy of SJR 29 as signed by President of the Senate Peter Kinder and Speaker of the House Catherine Hanaway

3. Attached hereto are true, correct and accurate copies of the documents identified in the preceding paragraph.

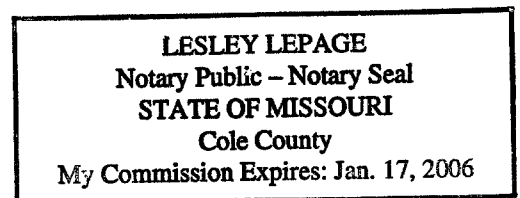
Further affiant saith not.


John P. Clubb

Subscribed and sworn to before me on this 28th day of May, 2004.


Notary Public

My Commission Expires: Jan. 17, 2006





CLAIRE C. McCASKILL
Missouri State Auditor

May 28, 2004

The Honorable Matt Blunt
Secretary of State
State Capitol, Room 208
Jefferson City, Missouri 65101

Dear Secretary Blunt:

Enclosed please find a copy of the fiscal note summary approved by the Attorney General's office pursuant to §116.175, RSMo, and the fiscal note for the attached proposed ballot measure relating to marriage.

On May 28, 2004 we received approval as to legal content and form of the fiscal note summary. This transmittal completes the fiscal note and fiscal note summary process for this proposed ballot measure. If you have any questions or comments, please contact me at (573) 751-4213.

Sincerely,

Claire C. McCaskill
State Auditor

Michelle K. Sherod, CPA
Deputy State Auditor

Enclosures

Cc: Terry Jarrett
Betsy Byers/Gayla Vandelicht



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

JEREMIAH W. (JAY) NIXON
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

May 28, 2004

OPINION LETTER NO. 121-2004

The Honorable Claire C. McCaskill
Missouri State Auditor
224 State Capitol Building
Jefferson City, MO 65101

Dear Auditor McCaskill:

You have submitted a fiscal note and fiscal note summary prepared pursuant to Section 116.175, RSMo, concerning a proposed constitutional amendment passed by the Missouri General Assembly (Senate Joint Resolution No. 29). A copy of the fiscal note summary which you submitted is attached.

Pursuant to Section 116.175, we approve the legal content and form of the fiscal note summary. Since our review of the fiscal note summary is mandated by statute, no action we take with respect to such review should be construed as an endorsement of the Senate Joint Resolution or as the expression of any view regarding the objectives of its proponents.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremiah W. Nixon", written over a horizontal line.

JEREMIAH W. (JAY) NIXON
Attorney General

Enclosure



CLAIRE C. McCASKILL
Missouri State Auditor

May 28, 2004

The Honorable Jeremiah Nixon
Attorney General
Supreme Court Building
Jefferson City, Missouri 65101

Dear Attorney General Nixon:

The attached proposed constitutional amendment passed by the general assembly (Senate Joint Resolution No. 29) was received by our office on May 28, 2004. Pursuant to §116.175, RSMo, we are forwarding the following fiscal note summary for your review and approval as to legal content and form:

The estimated fiscal impact of this proposed measure to state and local governments is \$0.

A copy of the fiscal note for the amendment is also attached. Thank you for your immediate attention to this matter. Your office should return the approved fiscal note summary to our office within 10 days, pursuant to §116.175.4, RSMo. If you have any questions or comments, please contact me at (573) 751-4213.

Sincerely,

Claire C. McCaskill
State Auditor

Enclosures

cc: Matt Blunt
Paul Maguffee
Terry Jarrett

Op. Reg.
121-2004

MISSOURI STATE AUDITOR'S OFFICE
FISCAL NOTE (No. 04-09)

Subject

Senate Joint Resolution No. 29 submitting to the voters a constitutional amendment relating to Marriage. (Received May 28, 2004)

Date

May 28, 2004

Description

This proposal would amend Article I of the Missouri Constitution by adding Section 33 to specify that marriage in Missouri, to be valid and recognized, would exist only between a man and a woman.

Public comments and other input

The Committee on Legislative Research, Oversight Division prepared a fiscal note summary that was used in preparing this fiscal note. The State Auditor's Office received input from the Recorder of Deeds Office in Boone County, Greene County, Jackson County and St. Louis County.

Assumptions

The Committee on Legislative Research, Oversight Division assumed that there would be no direct fiscal impact to state and local governments other than the cost to hold the election.

Officials from the Recorder of Deeds Office in Boone County, Greene County, Jackson County and St. Louis County indicated this initiative petition would have no fiscal impact as state law currently designates that a marriage license can only be issued to a man and a woman.

Currently, §451.022 RSMo, indicates that it is the public policy of this state to recognize marriage only between a man and a woman. Any purported marriage not between a man and a woman is invalid. No recorder shall issue a marriage license, except to a man and a woman. A marriage between persons of the same sex will not be recognized for any purpose in this state even when valid when contracted.

Our fiscal note is based on the assumption that there will be no fiscal impact to the state and local governments as this proposal would amend the constitution with similar language as to what is currently in the Missouri Revised Statutes.

Fiscal Note Summary

The estimated fiscal impact of this proposed measure to state and local governments is \$0.



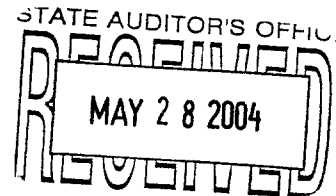
OFFICE OF THE SECRETARY OF STATE
STATE OF MISSOURI
JEFFERSON CITY
65101

MATT BLUNT
SECRETARY OF STATE

ELECTIONS DIVISION
(573) 751-2301

May 28, 2004

Honorable Claire McCaskill
State Auditor
State Capitol Building
Jefferson City, MO 65101



RE: Fiscal Note and Fiscal Note Summary Request for SJR 29

Dear Ms. McCaskill:

Enclosed please find a copy of SJR 29 that was received by our office on this date.

We are referring the enclosed joint resolution to you for the purposes of preparing a fiscal note and fiscal note summary in accordance with § 116.175, RSMo 2000. As you are aware, the fiscal note and fiscal note summary are required to be forwarded by you to our office within thirty days of receipt of the joint resolution, pursuant to § 116.170, RSMo. 2000.

Thank you for your immediate consideration of this request.

Sincerely,

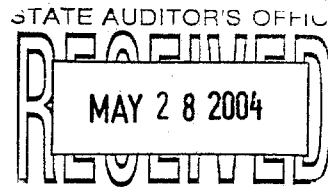
Matt Blunt
Secretary of State

cc: Jeremiah W. Nixon
✓ Randy Doerhoff
Terry Jarrett

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JAMES C. KIRKPATRICK STATE INFORMATION CENTER
600 W. MAIN STREET • PO BOX 1767 • JEFFERSON CITY 65102

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SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE JOINT RESOLUTION NO. 29

92ND GENERAL ASSEMBLY

2004

3078S.01T

JOINT RESOLUTION

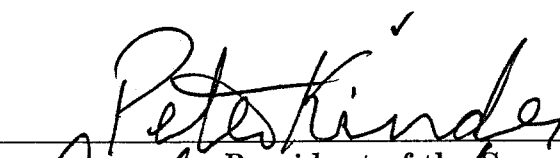
Submitting to the qualified voters of Missouri, an amendment to the Constitution of Missouri relating to marriage.

Be it resolved by the Senate, the House of Representatives concurring therein:

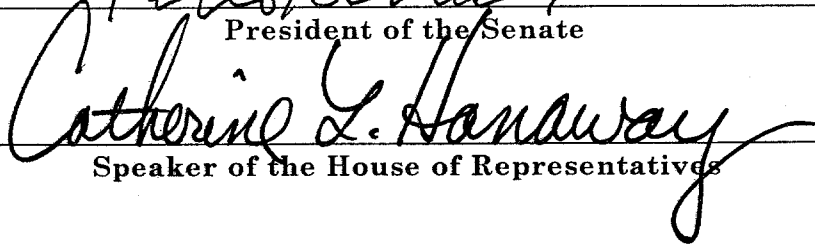
That at the next general election to be held in the state of Missouri, on
2 Tuesday next following the first Monday in November, 2004, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article 1 of the Constitution of the state of Missouri:

Section A. Article 1, Constitution of Missouri, is amended by adding
2 thereto one new section, to be known as section 33, to read as follows:

Section 33. That to be valid and recognized in this state, a marriage
2 shall exist only between a man and a woman.



President of the Senate



Speaker of the House of Representatives

Governor